

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Applicant's Representative, Sidney Weatherford, during a telephonic interview on 04/23/2010, gave the Examiner an authorization to amend claims 1,8,13 and 19 as follows:

1. (Currently Amended) Method for operating a switching node ~~[[of]]~~ in a communications network, the switching node having a connection for signaling data and additional user data connections, the communications network comprising both a layered architectural environment and a non-layered architectural environment, the method comprising the steps of

receiving a communication service request,
determining:~~[[,]]~~

by protocol of the service request, whether the switching node will operate as a layered architectural environment switching node or a non-layered architectural environment switching node, the layered architectural environment providing a user plane layer for user data and a control plane layer for signaling data and the non-layered architectural environment providing a layer for both the user plane and the control plane~~[[;]]~~ and

the switching node being determined operatively to process the requested communication service as part of the non-layered architectural environment if an origin of the communications service request, in particular an originating radio network node, is local to the switching node, and a destination indicated by the communications service request is local to the switching node; and

processing the requested communications service according to the determined operating mode of the switching node.

8. (Reinstated) Method according to claim 1, wherein the determination of the operation mode comprises a current load level of the switching node in at least one operation mode, wherein the determined operation mode for the processing of the requested communications service depends on the determined load level.

13 (Cancelled)

19. (Currently Amended) Network node, in particular a combined MSC/VLR and MSC-Server, comprising

- an access network interface for the user plane,
- an access network interface for the control plane,
 - a core network interface for the user plane,
 - a core network interface for the control plane,
 - a media gateway interface,

a media gateway operation unit connected to the user plane interfaces adapted to provide media gateway functions,

a MSC-Server operation unit connected to the control plane interfaces and to the media gateway interface, the MSC-Server operation unit adapted to provide MSC-server functionality, and

a selection unit adapted to determine_i for a communication service request received via any control plane interface_i according to at least one predetermined rule;

an operation mode for a processing of the requested communication service, wherein the determined operation mode indicates whether the network node is operatively for the processing of the requested communication service part of a layered architectural environment providing a user plane layer for user data and a control plane layer for signaling data, or operatively part of a non-layered architectural environment not providing a split between a user plane and a control plane and a processor connected to the interfaces and units of the switching node, said processor being adapted to process a requested communications service in accordance with a determined operation mode of the network node, and

the switching node being determined operatively to process the requested communication service as part of the non-layered architectural environment if an origin of the communications service request, in particular an originating radio network node, is local to the switching node, and a destination indicated by the communications service request is local to the switching node.

Allowable Subject Matter

2. Claims 1-12,14-17 and 19-20 are allowed.
3. The following is an examiner's reason for allowance:
 - a. **Regarding claim 1**, Ejzak (U.S. 20030027569 A1), (hereinafter Ejzak) discloses a method for operating a switching node in communications network (= determination of serving system to process mobile unit as an MSC or iMSC, see [0095-98 and 0101]), the switching node having a connection for signaling data and additional user data connections, the communications network comprising both a layered architectural environment (e.g., GGM/EDGE system) and a non-layered architectural environment (e.g., WCDMA/UMTS) the method comprising the steps of

receiving a communication service request (= UE 111 initiates mobile call, see Fig. 5 steps 501 and 502; IMS 141 supports services for mobile units using either circuit-switched or IP Multimedia call control procedures, see Par. 0008),

determining, by protocol of the service request, whether the switching node will operate as a layered architectural environment switching node or a non-layered architectural environment switching node (= the system determines if the serving system can process the mobile unit as MSC or iMSC server based on the capability of system, see Par. [0012, 0095-97] and Fig. 4, steps 403 and 404; whereby the capability of the system is being associated with the "protocol of the service request"/ switching rules).

The instant application specifically recites the claimed limitations, "the layered architectural environment providing a user plane layer for user data and a control plane

Art Unit: 2617

layer for signaling data and the non-layered architectural environment providing a layer for both the user plane and the control plane and the switching node being determined operatively to process the requested communication service as part of the non-layered architectural environment if an origin of the communications service request, in particular an originating radio network node, is local to the switching node, and a destination indicated by the communications service request is local to the switching node; and processing the requested communications service according to the determined operating mode of the switching node.

The instant claimed limitations, in combination with all the claimed limitations in claim 1, are neither taught, suggested nor made obvious by Ejzak. Claim 1 is therefore allowable.

b. **Regarding claim 19**, Ejzak discloses a network node, in particular a combined MSC/VLR (tradition MSC) and MSC-server (MSC server or IMS server interconnected with IMS 141, see Par. [0012-13] and Fig. 1; and the determining of switching/operating between a layered (e.g., GSM/EDGE system) or non-layered environment (e.g., WCDMA/UMTS) based on the determination of the protocol of a request, see Pars. 0004-13, 0020-25; Figs. 4 and 5; steps 401, 403, 408, 409, and 420) comprising:

- an access network interface for the user plane (interface between 111 and RAN 121, see Fig. 1);

- an access network interface for the control plane (see Pars. [0025 and 0030]),

- a core network interface for the user plane (see Pars. [0030-32]),

a core network interface for the control plane, a media gateway interface
(see Pars. [0030, 0036 and 0047-48]),

a media gateway operation unit connected to the user plane interfaces adapted
to provide media gateway functions (see Pars. [0025 and 0030 and 0036]),

a MSC-server operation unit connected to the control plane interfaces and to the
media gateway interface, the MSC-server operation unit adapted to provide Msc-server
functionality (MSC server 152, and iMSC 201),

a selection unit adapted to determine for a communication service request received via
any control plane interface according to at least one predetermined rule (call set up, see
Figs. 4 and 5 and SIP for IMS internet-like functionality and services, see Pars. [0020-
21 and 0028], whereby the protocol is associated with “predetermined rule”).

The instant application specifically recites the claimed limitations, “an operation
mode for a processing of the requested communication service, wherein the determined
operation mode indicates whether the network node is operatively for the processing of
the requested communication service part of a layered architectural environment
providing a user plane layer for user data and a control plane layer for signaling data,
or operatively part of a non-layered architectural environment not providing a split
between a user plane and a control plane and a processor connected to the interfaces
and units of the switching node, said processor being adapted to process a requested
communications service in accordance with a determined operation mode of
the network node, and the switching node being determined operatively to process the
requested communication service as part of the non-layered architectural environment if

Art Unit: 2617

an origin of the communications service request, in particular an originating radio network node, is local to the switching node, and a destination indicated by the communications service request is local to the switching node”

The instant claimed limitations, in combination with all the claimed limitations in claim 19, are neither taught, suggested nor made obvious by Ejzak. Claim 19 is therefore allowable.

c. Claims 2-12 and 14-17 are allowable based on their dependencies on claim 1; and claim 20 is allowable based on its dependency on claim 19.

d. An additional reason for allowance is based on an extensive and thorough prosecution records which include all of the Applicant's remarks/responses concerning the patentability of the invention.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled “Comment on Statement of Reasons for Allowance”.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-T (9am - 7pm).

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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